

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jerald Boitnott,

Court File No. _____

Plaintiff,

v.

NOTICE OF REMOVAL

M&H Gas and Miller & Holmes, Inc.

Defendants.

PLEASE TAKE NOTICE that Defendants M&H Gas and Miller & Homes, Inc. (“Defendant”), by through their attorneys, Briggs and Morgan, P.A., hereby remove the above-captioned action from the District Court for the Second Judicial District for the State of Minnesota, Ramsey County, to the United States District Court for the District of Minnesota.

Removal to this Court is proper under 28 U.S.C. §§ 1441 and 1446, 28 U.S.C. § 1331 (federal question jurisdiction). Removal is based on the following grounds:

1. Plaintiff Jerald Boitnott (“Plaintiff”) served his Complaint on Defendants on May 22, 2018.
2. Attached hereto as Exhibit A is Plaintiff's Original Summons and Complaint. No other pleadings have been served on Defendant or have been filed with the Ramsey County District Court.
3. Because thirty (30) days have not yet expired since this action became removable to this Court, this removal is timely under 28 U.S.C. § 1446(b).

4. This Court has original subject matter jurisdiction over this matter because Plaintiff's Complaint against Defendant alleges violations of a law of the United States: the Americans With Disabilities Act, 42 U.S.C. § 12181 *et seq.* (the "ADA"). Accordingly, this matter raises a federal question pursuant to 28 U.S.C. § 1331.

5. Defendant will serve written notice of the filing of this Notice of Removal upon Plaintiff and will cause a copy of this Notice to be filed with the Clerk of the District Court of Ramsey County, State of Minnesota, in accordance with 28 U.S.C. § 1446(d).

6. Defendant reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant requests that the above-entitled action be removed from the District Court, County of Ramsey, State of Minnesota, to the United States District Court for the District of Minnesota.

Dated: June 11, 2018

BRIGGS AND MORGAN, P.A.

By: s/Ruvn S. Jayasuriya

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